

ANDREWS' BID DENIED



FIGURES IN ANDREWS' TRIAL.—Appearing at the Criminal Courts Building today in answer to subpoenas for the perjury trial of attorney Dean A. Andrews Jr. are left, insurance salesman PERRY R. RUSSO, escorted by DA investigator SAL SCALIA, and, at right, French Quarter bar operator EUGENE C. DAVIS.

MISTRIAL BY COURT

State Opens Case

The state got off to a rocky start in presenting its perjury case against Dean Adams Andrew Jr. today as a mistrial motion marred the opening moments before the jury.

The motion was denied by Criminal District Judge Frank Shea, but he ordered the prosecutor to disregard a remark by Asst. Atty. James L. Acock which led to the mistrial motion by Andrews and defense attorney Harry Burglass.

ALMOST IMMEDIATELY after the five-man jury was selected, Acock approached the bench and told Judge Shea:

"I herewith deliver to you copies of incriminatory statements made by the defendant."

The word "incriminatory" means statements not in the best interests of the defendant, such as a confession.

Andrews rose and asked that the court move for a mistrial on the grounds that the word "incriminatory" applied to the documents the open court had "planted a seed in the jury mind."

The judge called a recess to decide on

the motion. When court resumed, he denied it and instructed the jurors to "act as though it had never been said."

Burglass said he was reserving a bill of exceptions for a possible appeal.

JUDGE SHEA, apparently irritated, turned to each of the three jurors who said they heard the remark and asked that the record show they had said they heard the remark but that it would not influence them.

Andrews, a former Jefferson Parish assistant DA, is charged on 11 counts of perjury in connection with DA Jim Garrison's probe of the slaying of President John F. Kennedy.

The jury, which will be locked up tonight at the Pontchartrain Motor Hotel, was completed about 1:30 p.m.

MEMBERS OF the jury are:

William F. Bailey, 526 Pelican ave., Algiers, a Greyhound bus mechanic.

Joseph L. LaPiere Jr., Negro, 4430 DeBore dr., New Orleans, a postman.

Walter T. Nicklaus, 927 Atlantic ave., Algiers, a Southern Pacific Railroad yard-

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NEW ORLEANS STATES-ITEM

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Mistrial Motion Denied

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now.

Leslie J. Russell Jr., 5239 Purchess, New Orleans, a sales representative for New Orleans Public Service.

Henry R. Nuss, 6066 Wilson, New Orleans, a gas operator for Union Carbide.

The alternate is James S. Bondraux, Sr., Negro, 1921 Abundance, New Orleans, a mail carrier.

THE JURY SELECTION

Nuss, approved by the state, was objected to by the defense because he said he had already formed an opinion in the case. However, under questioning by Judge Shea, Nuss said he felt he could bear the trial objectively, and the judge overruled the defense objection.

The only woman in the jury, Venetra Lorraine H. Linn, 6040 Oakdale, was rejected by the state.

This morning, Burglass went to bat for Andrews, for the first time and promptly struck out on three straight motions.

Burglass, who took over the defense from Andrews himself, offered the following motions to Judge Shea:

1. An oral request to the bench to be allowed to file a motion to suppress evidence.

2. A motion to file further evidence on the issue of the casting of District Attorney Jim Garrison and his staff from the prosecution of the case.

3. A new and amended motion to quash the indictment against Andrews.

All three were promptly denied by Judge Shea, who earlier today rejected the original motion for recusal of Garrison and his staff. The first two days of the hearing had been taken up with arguments on this motion.

ACTING AS HIS OWN attorney through the first two days of the trial, he had sought recusal of Garrison on the grounds that the DA had

been reported after one of the four-jury, Thomas S. Alderman, 2220 N. Roman, told Judge Shea he had to take an exam tomorrow. The judge will say he plans to hear the case through the present, recused Alderman.

John Nuss was selected to replace him. The defense objected to this procedure, maintaining that Burglass, the alternate, should have been put on the regular jury and a new alternate selected.

THE DEFENSE'S INTEREST IN THE CASE

Andrews had been expected to call more witnesses on the motion this morning, but instead asked for an immediate ruling. He got an unfavorable one and Burglass took over the defense.

Burglass then filed his three motions.

Judge Shea ruled that the request to suppress evidence was a discretionary matter and denied it on the grounds that the defense did not give the bench 24 hours' notice as required.

AFTER A SHORT argument, Judge Shea turned down the motion to file further evidence on the recusal matter. The new evidence would have included the entire 24 volumes of the report of the Warren Commission which investigated the Kennedy slaying.

In the third motion, Burglass argued that the indictment was not clear and that Judge Shea lacked jurisdiction in the case, apparently on grounds that some of the alleged activity took place outside Orleans Parish.

Assistant DA James L. Alcock replied that if the alleged perjury did not take place in

Orleans, the state does not have a case anyway.

EARLIER, JUDGE Shea took only a few minutes to reject the recusal motion.

Among the witnesses who had been scheduled to testify today was Harry Raymond, Garrison's star wit-



BARRY BURGLASS

ness in the Kennedy trials. As court opened today, Andrews submitted a number of exhibits as evidence supporting his recusal motion and then said:

"Counsel submits the motion without argument, Your Honor."

Alcock concurred in the request for a ruling.

Judge Shea studied the motion briefly and said:

"Motion to recuse is denied."

THE TRIAL RECESSED

court and announced that jury selection would begin immediately after the recess.

Andrews, a former Jefferson Parish assistant DA had called Gusse, Dr. Edmund Patten (a hypnotism specialist) and others. Patten, Cooper Dr. Nichols, came to testify today.

GENEVA DAVIS, a French Quarter bar owner who draws new eyes in the mysterious "Gay Bertrand" who called him the day after President Kennedy was shot, testifying a defender for Lee Harvey Oswald, appeared at court today. He was called as a witness in the perjury trial.

Davis told newsmen his attorney, G. Wayne Gill, will file a suit today "against a broad-casting media" because of

treatment Davis has received in news reports.

Andrews also promised some action today. He said, "I hope to find something here some place."

He added, "The fact that I got to do is the best today. At the 10th recess yesterday, alone for a moment, Dean Andrews was briefly there, looking behind the shield of his spectacles."

ANDREWS indicated that no matter the outcome of his trial, he's still in a show. The former assistant D.A. who maintained a legal practice in the same city before he became a D.A. law practice divided away.

"Most people get more than they got," he said. "I've had bad times. It's been up and down lately."

Yesterday, Andrews filed a motion to quash the indictment against him on grounds that the grand jury was illegal because only white jurors were systematically excluded. The motion was overruled by Judge Sheppard after Judge Bernard Baskin summarized to testify on how he picked the jurors, said procedures were enacted previous to 1961, and a federal court ruling said that no class or race was excluded.

IN HIS EFFORT to set the appointment of a temporary D.A. to prosecute him, Andrews says the charge against him was the result of a "carefully prepared plan to corroborate" identity of Clay Shaw as Clay Bernard on April 12.

Shaw, a retired New Orleans businessman, has been accused of using the alias of Bernard and performing in a conspiracy to murder President Kennedy.

Garrison says Andrews knows the real identity of Bernard and lied when questioned about it by the grand jury.

"I don't know what's going on," said Andrews. "What I got is a grand inquisition. The moral is that, brother, today is when your big mouth shut."

Sheridan Pushes Bid To Avoid Testifying

By Tom Sheridan, the former

newspaperman accused of bribery in District Attorney Jim Garrison's assassination probe, has filed suit in federal district court seeking to enjoin Garrison from forcing him to testify before the Orleans Parish Grand Jury.

Also named in the suit is grand jury foreman Alberto Beltran.

Sheridan was charged by the D.A.'s office after the National Broadcasting Co. reporter participated in preparing an NBC special highly critical of the D.A. and his probe.

William E. Bremer, defense attorney, said that the D.A.'s office will not attempt to get his witness before the grand jury until the suit is resolved.

A hearing on the injunction has been tentatively scheduled for 9:30 a.m. Aug. 21 before Federal District Judge Alvin S. Rubin.

By Tom Sheridan, the former